



New South Wales

# Police Amendment (Promotion Lists) Regulation 2009

under the

Police Act 1990

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Police Act 1990*.

ANTHONY KELLY, MLC  
Minister for Police

## Explanatory note

The object of this Regulation is to make further provision in relation to promotion lists for police officers eligible for promotion to the rank of sergeant.

Under the new provisions, a reserve promotion list for the rank of sergeant may be established. The criteria for placement on a sergeants reserve promotion list will consist of some but not all of the eligibility requirements for the principal promotion list for sergeants, so that a person who is not eligible for placement on the principal promotion list may be eligible for placement on the reserve promotion list. A position will only be offered to a person on a sergeants reserve promotion list once it has been offered on at least two occasions to all persons on the principal promotion list for sergeants and those offers have been refused.

This Regulation is made under the *Police Act 1990*, including sections 70 and 219 (the general regulation-making power).

## **2009 No 209**

Clause 1            Police Amendment (Promotion Lists) Regulation 2009

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## **Police Amendment (Promotion Lists) Regulation 2009**

under the

Police Act 1990

### **1 Name of Regulation**

This Regulation is the *Police Amendment (Promotion Lists) Regulation 2009*.

### **2 Commencement**

This Regulation commences on the day on which it is published on the NSW legislation website.

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## Schedule 1 Amendment of Police Regulation 2008

### [1] Clause 3 Definitions

Insert in alphabetical order in clause 3 (1):

*principal promotion list* means a promotion list that is not established as a reserve promotion list.

*sergeants reserve promotion list* means a promotion list for the rank of sergeant that is established as a reserve promotion list.

### [2] Clause 19 Requirements for appointment as sergeant

Omit “the sergeants promotion list” from clause 19 (b).

Insert instead “a sergeants promotion list”.

### [3] Clause 19 (2)

Insert at the end of clause 19:

(2) A person who is on the sergeants reserve promotion list is not to be offered an appointment to a position of the rank of sergeant unless:

(a) the appointment has been offered on at least two occasions to all persons on the principal promotion list for the rank of sergeant, and

(b) those offers of appointment have been refused.

### [4] Clause 25 Establishment of promotion lists

Insert “(other than the sergeants reserve promotion list)” after “police officer” in clause 25 (1).

### [5] Clause 25A

Insert after clause 25:

#### 25A Establishment of sergeants reserve promotion list

(1) A person may be placed on a sergeants reserve promotion list if the person:

(a) meets the requirements for placement set out in this clause, and

(b) is not on the current principal promotion list for the rank of sergeant.

## 2009 No 209

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Schedule 1 Amendment of Police Regulation 2008

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- (2) A person is eligible to be placed on a sergeants reserve promotion list if:
- (a) the person has completed the required time at rank before applying to complete the pre-qualifying assessment for the rank of sergeant, and
  - (b) the person has, within the last 3 years, obtained a mark in the pre-qualifying assessment for the rank of sergeant and has, on the basis of the person's mark in that assessment, been determined by the Commissioner to meet the quota requirements for selecting persons to proceed to undertake the promotion examination and management performance review for the rank of sergeant, and
  - (c) the person has, within the last 3 years, completed the promotion examination and the management performance review for the rank of sergeant, and
  - (d) the person has obtained the necessary eligibility mark, as determined by the Commissioner, for placement on the sergeants reserve promotion list.
- (3) The *required time at rank* for the purposes of subclause (2) is a period of, or periods totalling, not less than 2 years at the rank of senior constable.

**[6] Clause 27 Ranking on promotion lists**

Insert "relevant to the promotion list" after "eligibility requirement" in clause 27 (2).

**[7] Clause 30 Currency of promotion list**

Insert "(other than a sergeants reserve promotion list)" after "A promotion list".

**[8] Clauses 30 (2) and (3)**

Insert at the end of clause 30:

- (2) A sergeants reserve promotion list remains current during the currency of the principal promotion list for the rank of sergeant.
- (3) A sergeants reserve promotion list is taken to cease to have effect (and a replacement reserve promotion list may be established) if all persons on the list have been removed from the list.